

# **EXHIBIT “I”**

Jul 12, 2016 2:16PM

No. 0399 P. 19

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

SHAWNTEL BREED, INDIVIDUALLY §  
AND AS REPRESENTATIVE OF THE §  
ESTATE OF DUSTIN KEITH JONES, §  
DECEASED AND AS NEXT FRIEND OF §  
DUSTIN JONES AND CENIYA JONES, §  
MINOR CHILDREN §

VS.

CIVIL ACTION NO. 1:15-cv-00190

CITY OF KIRBYVILLE, CHIEF PAUL §  
BRISTER, AND OFFICER JOSH §  
HANCOCK OF THE CITY OF §  
KIRBYVILLE POLICE DEPARTMENT, §  
INDIVIDUALLY AND IN THEIR §  
OFFICIAL CAPACITIES §  
§

**DEFENDANT, CITY OF KIRBYVILLE'S**  
**RESPONSE TO REQUEST FOR ADMISSIONS**

TO: Plaintiffs, SHAWNTEL BREED, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF DUSTIN KEITH JONES, DECEASED AND AS NEXT FRIEND OF DUSTIN JONES AND CENIYA JONES, MINOR CHILDREN, by, and through their attorney of record, Mr. Ronnie Turner, Jr., Provost Umphrey Law Firm, L.L.P., 490 Park Street, Beaumont, TX 77704

COMES NOW, CITY OF KIRBYVILLE, Defendant in the above-styled and numbered cause of action, and pursuant to the Rules of Civil Procedure, files this his Response to Plaintiffs' Request for Admissions on file herein. These Responses are made subject to such objections as shall be urged before the trial of this cause, and the Responses are following.

Jul. 12. 2016 2:16PM

Vol. 0399 P. 20

Respectfully submitted,

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By: 

Frank D. Calvert  
State Bar No. 03667700  
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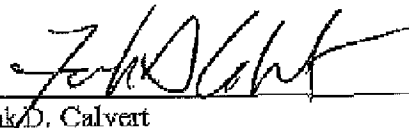
ATTORNEYS FOR DEFENDANTS,  
CITY OF KIRBYVILLE, CHIEF PAUL  
BRISTER, AND OFFICER JOSH HANCOCK  
OF THE CITY OF KIRBYVILLE POLICE  
DEPARTMENT, INDIVIDUALLY AND IN  
THEIR OFFICIAL CAPACITIES

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was  
furnished to all counsel of record by:

XX By Telefacsimile

on this 12<sup>th</sup> day of July, 2016.

  
Frank D. Calvert

Jul 12, 2016 2:16PM

Vol. 0399 P. 21

RESPONSE TO REQUEST FOR ADMISSIONS

**REQUEST 1:** The court has personal jurisdiction over all parties in this lawsuit.

**RESPONSE:**

Admitted, subject to qualified immunity of individual Defendants

**REQUEST 2:** Plaintiff properly named Defendant in Plaintiff's Original Complaint.

**RESPONSE:**

Admitted name is correct name, otherwise Denied.

**REQUEST 3:** Plaintiff properly and timely exhausted her administrative remedies.

**RESPONSE:**

Denied as worked

**REQUEST 4:** Plaintiff satisfied all legal prerequisites before filing this suit.

**RESPONSE:**

Denied as worded.

**REQUEST 5:** Decedent was arrested on May 14, 2012, by Chief Paul Brister and Officer Josh Hancock.

**RESPONSE:**

Denied.

**REQUEST 6:** At the time of the arrest, Decedent was placed in a headlock.

**RESPONSE:**

It is admitted a headlock was utilized during a portion of the arrest process, otherwise denied.

**REQUEST 7:** At the time of the arrest, Decedent was placed in a chokehold.

**RESPONSE:**

Denied

Jul. 12, 2016 2:17PM

Vol. 0399 P. 22

**REQUEST 8:** Decedent was not intoxicated at the time of the arrest.

**RESPONSE:**

**Denied**

**REQUEST 9:** Decedent did not resist arrest.

**RESPONSE:**

**Denied**

**REQUEST 10:** Decedent was injured during the course of the arrest.

**RESPONSE:**

**It is admitted Decedent was struck with a flashlight on the head and had a small cut, otherwise denied.**

**REQUEST 11:** Decedent was handcuffed at the time the injuries occurred.

**RESPONSE:**

**Denied**

**REQUEST 12:** Decedent was not offered medical attention for his injuries during detention.

**RESPONSE:**

**Denied.**

**REQUEST 13:** At the time of Decedent's arrest and detention each officer was acting in his official capacity for City of Kirbyville Police Department.

**RESPONSE:**

**Admitted.**

**REQUEST 14:** Each officer involved in Decedent's arrest and detention was acting under color of the laws of the State of Texas.

**RESPONSE:**

**Admitted.**

Jul 12, 2016 2:17PM

Vol. 0399 P. 23

**REQUEST 15:** At the time of Decedent's arrest and detention each officer followed the established policies and customs of the City of Kirbyville.

**RESPONSE:**

**It is admitted Defendant is not aware of any policy violations, otherwise denied.**

**REQUEST 16:** Chief Paul Brister has had a complaint filed against him for abuse of authority.

**RESPONSE:**

**Denied.**

**REQUEST 17:** Chief Paul Brister promulgates orders, rules and regulations for the Kirbyville Police Department.

**RESPONSE:**

**Denied as worded**

**REQUEST 18:** Chief Paul Brister has had a lawsuit filed against him for abuse of authority..

**RESPONSE:**

**Denied**

**REQUEST 19:** Chief Paul Brister has had a complaint filed against him for excessive force.

**RESPONSE:**

**Denied**

**REQUEST 20:** Chief Paul Brister has had a lawsuit filed against him for excessive force.

**RESPONSE:**

**Denied**

**REQUEST 21:** Chief Paul Brister has had a complaint filed against him for failure to provide medical treatment.

**RESPONSE:**

**Denied**

Jul. 12. 2016 2:17PM

No. 0399 P. 24

**REQUEST 22:** Chief Paul Brister has had a lawsuit filed against him for failure to provide medical treatment.

**RESPONSE:**

**Denied**

**REQUEST 23:** Officer Josh Hancock has had a complaint filed against him for abuse of authority.

**RESPONSE:**

**Denied**

**REQUEST 24:** Officer Josh Hancock has had a lawsuit filed against him for abuse of authority.

**RESPONSE:**

**Denied**

**REQUEST 25:** Officer Josh Hancock has had a complaint filed against him for excessive force.

**RESPONSE:**

**Denied**

**REQUEST 26:** Officer Josh Hancock has had a lawsuit filed against him for excessive force.

**RESPONSE:**

**Denied**

**REQUEST 27:** Officer Josh Hancock has had a complaint filed against him for failure to provide medical treatment.

**RESPONSE:**

**Denied**

**REQUEST 28:** Officer Josh Hancock has had a lawsuit filed against him for failure to provide medical treatment.

**RESPONSE:**

**Denied**

Jul. 12. 2016 2:17PM

No. 0399 P. 25

**REQUEST 29:** Chief Paul Brister drank alcohol before or during duty on the date decedent was arrested.

**RESPONSE:**

**Denied**

**REQUEST 30:** Officer Josh Hancock drank alcohol before or during duty on the date decedent was arrested.

**RESPONSE:**

**Denied**

**REQUEST 31:** Decedent did not commit a crime in the presence of Chief Paul Brister and Officer Josh Hancock on May 14, 2013.

**RESPONSE:**

**Denied**

**REQUEST 32:** Decedent was not told he was under arrest before the physical actions of Chief Paul Brister and Officer Josh Hancock that resulted in Decedent's injury.

**RESPONSE:**

**Denied**

**REQUEST 33:** Chief Paul Brister drew his weapon during the arrest of Decedent.

**RESPONSE:**

**Denied**

**REQUEST 34:** Officer Josh Hancock drew his weapon during the arrest of Decedent.

**RESPONSE:**

**Denied**

**REQUEST 35:** Decedent was in the custody of law enforcement personnel on May 14, 2013.

**RESPONSE:**

**Admitted at a certain point in time, otherwise denied.**



Jul. 12. 2016 2:17PM

Vol. 0399 P. 26

**REQUEST 36:** City of Kirbyville conducted an investigation of Decedent's arrest, injury, and detention.

**RESPONSE:**

**Denied**

**REQUEST 37:** Photographs were taken at the site of Decedent's arrest on May 14, 2013.

**RESPONSE:**

**Denied**

**REQUEST 38:** Decedent suffered severe bodily injury during his arrest.

**RESPONSE:**

**Denied**

**REQUEST 39:** Chief Paul Brister is responsible for the supervision of the investigation of complaints made against police officers.

**RESPONSE:**

**Admitted for complaints against Kirbyville police officers except where an investigation is conducted by another agency such as the Texas Rangers, otherwise denied.**

**REQUEST 40:** Chief Paul Brister has the authority to discipline or terminate any police officer for just and reasonable cause.

**RESPONSE:**

**Denied as worded**

**REQUEST 41:** Officer Josh Hancock was not disciplined as a result of this incident.

**RESPONSE:**

**Admitted**